

## **REMARKS**

Applicant is in receipt of the Office Action mailed November 17, 2006.

### **Claim Status**

Claims 1-10, 13-17, 20-22, 25-28, 30, and 32-43 were pending prior to the present amendment.

Claims 15, 20, 40 and 41 have been amended.

Claims 1-7, 11-12, 14, 18-19, 21-39, and 42-43 have been cancelled.

Claims 44-59 have been added.

Claims 8-10, 13, 15-17, 20, 40-41, and 44-59 are now pending.

### **Rejections Under Section 112**

Claim 39 was rejected under section 112, second paragraph, as being indefinite. Claim 39 has been cancelled. Claims 25, 40, and 41 were rejected under section 112, for mixing statutory classes on invention. Claim 25 has been cancelled. Claims 40 and 41 have been amended.

### **Allowable Subject Matter**

The Examiner states in the current Office Action that claims 8-10 and 13 are allowed. The Examiner further states on page 6, that...“Claims 40 and 41 would be allowable if rewritten or amended to overcome the rejection(s) under U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office Action”. Claims 40 and 41 have been amended to overcome these 112 rejections.

The Examiner also states in the current Office Action that claim 20 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims. Claim 20 has been amended to include the limitations of its base claim 14. Claim 14 has been cancelled and claim 15 has been amended to depend on claim 20.

### **Rejections Under Section 103**

Claims 1-7, 14-17, 21-22, 25-28, 30, 32-39, and 42-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of Wilson (USPN 5129092), Bui et al. (USPN 4998288), Garlick (USPN 6614448), Inada et al. (US 2004/0004620), Cloutier (USPN 5892962), Hsieh et al. (USPN 6819321), and Vetro et al. (USPN 6266443).

These rejections are moot, since claims 1-7, 14, 21-22, 25-28, 30, 32-39, and 42-43 have been cancelled.

Applicant submits that claims 44-59 are non-obvious and patentably distinguished over the cited art for at least the reason that these claims depend on allowed claim 8 and allowable claim 40.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5681-59700/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Mark K. Brightwell/

Mark K. Brightwell, Reg. #47446  
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: February 20, 2007 MKB/JWC